

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**DIANA MEY**, individually and on  
behalf of a class of persons and  
entities similarly situated,

Plaintiff,

v.

**Civil Action No: 5:14-cv-123**

**VENTURE DATA, LLC and  
PUBLIC OPINION STRATEGIES,**

Defendants.

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**DECLARATION OF ANYA VERKHOVSKAYA REGARDING CLASS  
CERTIFICATION NOTICE PLAN**

I, Anya Verkhovskaya, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Managing Director of DRRT. With offices in Miami, Paris, London and Frankfurt, DRRT offers litigation support services with focus on data management.

2. The matters stated herein are based upon my personal knowledge or information reasonably available to me. If called to testify in this action, I would state the following:

3. I have nearly 20 years of experience preparing, coordinating, and effectuating notice plans in more than one hundred class action litigations and settlements. I also have nearly 20 years of experience identifying and locating class members. A copy of my résumé is attached hereto as Exhibit A. My résumé includes a listing of cases in which I directed notice plans and/or provided other class action services.

4. I am over 18 years of age and am not a party to this action. I have personal knowledge of the matters set forth herein, and would testify competently thereto if called as a witness.

5. The purpose of this declaration is to provide an overview of the proposed process by which class members can be notified of class certification.

#### **CERTIFIED CLASS DEFINITION**

6. On June 6, 2017, the Court certified a class in this matter, defined as follows: “All persons in the United States to whom, on June 11, August 19, or September 9, 2014, Venture Data placed a call on his or her cellular telephone line, using the Pro-T-S or CFMC dialer, and as part of a Public Opinion Strategies survey.”

#### **PROPOSED CLASS NOTICE PLAN**

7. Direct notice mailed to class members via First-Class Mail is generally considered the most effective and efficient way to contact and inform them when name and address information is known or can be identified. The probability of an identified class member seeing and reading the contents of the notice provided by an individually-mailed postcard is greater than the probability of his or her reading the notice when published in a newspaper, magazine or through a television or radio announcement.

8. The *United States Postal Service Mail Moments Study 2016*, a study on mail use and attitudes published by the United States Postal Service (USPS), showed that approximately 92% of persons review or look through their mail each day. Because the notice will be sent via First-Class Mail, with a statement on the postcard face in bold typeface that the material pertains to an important court-ordered legal notice, the percentage that would read this notice likely would be even greater.

9. The postcard notice and long-form notice include material normally required to inform class members of their rights, including case identity, case substance, court procedures, key dates, and contact information.

10. The mailed postcard notice will include information regarding how to access the long-form notice either via phone-call request or by downloading it at the website.

11. The long-form notice is based upon the question and answer format suggested by the Federal Judicial Center and will comply with Rule 23(c)(2)(B) and Due Process.

12. The postcard and long-form notices are drafted in concise, plain language.

Notice Content

13. The case identity information includes the name of the case, the purpose of the notice, the definition of the class, the names of Plaintiff and Defendants, the jurisdiction, and key dates.

14. The case substance information includes the following: an explanation of the case and the allegations brought against Defendants; a statement that the Defendants deny the allegations and that the Court has not decided the merits of the case; instructions on how to opt-out of the class by the deadline, the benefits and restrictions for opting out, and what will happen for class members if they do not opt-out of the class.

15. Court procedures will be described including statements that class members may hire their own attorney, appear in court, and raise concerns if they feel they are not fairly and adequately represented by Plaintiff and Class Counsel. The notice will also convey that they are bound by the Court's decision if they do not opt out, and they do not need to hire an attorney if they do not wish to do so. The notice will also discuss how to obtain any potential recovery after all issues are resolved and how attorneys' fees will be paid.

16. Contact information provided includes postal addresses for opt-outs and additional information about the case, email address, the website address, plus a telephone number that Class members can call to speak with Class Counsel. Finally, there is a statement telling readers not to

contact the Court directly.

17. The proposed postcard notice and long-form notice are attached as Exhibit B.

Address Identification

18. I have reviewed samples of the data files available for class member location (call logs and voter registration files) and have confirmed that class member name and address information can be obtained by matching the call records against the voter registration files. Matching one set of files to another using certain key data points is a routine process in the field of class action administration, and it is a process I have coordinated more than one hundred times.

19. If for any reason there is a telephone number that does not have name or address information in the voter registration file, I will coordinate a standard historical reverse-append process through data processor LexisNexis. This is a process which I have coordinated numerous times in various Court-approved engagements in both class certification and settlement contexts. It is the same process that was utilized in *Ikuseghan v. MultiCare Health System*, Case No. 14-5539, United States District Court, Western District of Washington, Tacoma and *Krakauer v. DISH Network L.L.C.*, Case No. 14-cv-333, United States District Court, Middle District of North Carolina, among others.

20. After the mailing list is compiled, all addresses will be checked against the USPS National Change of Address (NCOALink) database and updated accordingly. The NCOALink database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mail houses and lists submitted to it are automatically updated with any reported move based upon a comparison with the person's name and last known address.

21. Postcard notices returned as undeliverable will be tracked, tabulated, and re-mailed

to any address available through postal service information. For example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but is still within the period that the USPS returns the piece with the new address indicated.

22. Additionally, a standard best-address advanced address lookup will be completed for those notice postcards without a USPS forwarding address.

Website

23. DRRT will create and maintain a case-specific website and will post relevant documents and answers to frequently asked questions. Class members will have the option to download copies of case documents, including the long-form notice, the Class Certification Order, the Complaint, and Defendant's Answer. The website will provide class members with general information about the litigation and their options and rights.

**CONCLUSION**

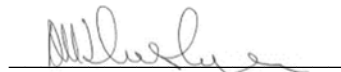
24. Based upon my experience in class action notice administration and in preparing and executing notice programs, the notice methods used in this Notice Plan are consistent with other Court-approved, effective class action notice plans.

25. The attached notices are clear, concise, and written in plain language.

26. This Notice Plan provides the best notice practicable under the circumstances and meets the due process communications standard. The Notice Plan is consistent with the 70-95% reach guideline set forth in the Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* and due process requirements.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 27, 2017

  
Anya Verkhovskaya

# EXHIBIT A

**ANYA VERKHOVSKAYA**

Managing Director  
DRRT  
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Anya Verkhovskaya is the Managing Director of DRRT. With offices in Miami, Paris, London and Frankfurt, DRRT works with institutional investors in the U.S. and around the world in all aspects of global securities litigation, loss recovery and securities claims filing. In addition, DRRT offers litigation support services with focus on data services in the area of Telephone Consumer Protection Act (TCPA) and class notice as well as consumer class action support services.

Verkhovskaya has extensive experience administering some of the largest and most complex class action settlements in history, involving all aspects of direct, media and third party notice programs, data management, claims administration and settlement fund distribution.

Verkhovskaya has been a pioneer in class member identification and location in TCPA and other consumer cases for purposes of class certification and effectuating notice programs. Verkhovskaya regularly provides opinions and testimony concerning ascertainability, class certification, notice adequacy and settlement issues in connection with TCPA matters as well as a variety of other types of class actions.

Verkhovskaya has directed notice and/or settlement administration in hundreds of consumer, TCPA, civil rights, insurance, antitrust, ERISA, securities, employment, human rights, environmental and other types of class action and Securities and Exchange Commission (SEC) fairness actions, including, but not limited to, the following cases:

- *Ace Marine Rigging & Supply, Inc. v. Virginia Harbor Services, Inc. et al.*, No. SACV1100436-GW (FFMx), United States District Court, Central District of California
- *Acevedo v. Lawyers Title Insurance Corporation*, Case No. 03-CH-07718, Circuit Court of Cook County, Illinois, County Department, Chancery Division
- *In re ACS Shareholders Litigation*, Master File No. 3:06-CV-1592-M, United States District Court, Northern District of Texas, Dallas Division

- *In re Adolor Corporation Shareholders Litigation*, C.A. No. 6997-VCN, In the Court of Chancery of the State of Delaware
- *In re Affiliated Computer Services ERISA Litigation*, Master File No. 3:06-CV-1592-M, Northern District of Texas, Dallas Division
- *In re AIG ERISA Litigation*, Master File No.: 04-CV-9387 (JES) (AJP), United States District Court, Southern District of New York
- *In re AirGate PCS, Inc. Securities Litigation*, Civil Action No.: 1:02-CV-1291-JOF, United States District Court, Northern District of Georgia, Atlanta Division
- *Akins v. Worley Catastrophe Response, LLC*, Civil Action No. 12-2401, United States District Court, Eastern District of Louisiana
- *Alakayak v. All Alaskan Seafoods, Inc.*, Case No. 3AN-95-4676 CIV, In the Superior Court for the State of Alaska, Third Judicial District at Anchorage
- *Allen v. HealthPort Technologies, LLC*, Case No. 12-CA-013154, In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida General Civil Division
- *Alper v. Warnock Ford, Inc.*, Docket No.: MRS-L-1644-10, Superior Court of New Jersey, Morris County
- *Altier v. Worley Catastrophe Response, LLC*, Civil Action No. 11-00241, United States District Court, Eastern District of Louisiana
- *In re American Italian Pasta Company Securities Litigation* (AIPC and Ernst Settlements), Consolidated Civil Action No. 05-CV-0725-W-ODS, United States District Court for the Western District of Missouri, Western Division
- *In re Andrx Corporation, Inc., Taztia™ XT Securities Litigation*, CASE NO.: 02-60410-CIVUNGARO-BENAGES, United States District Court, Southern District of Florida
- *Arias v. Award Homes, Inc.*, Case No. M54183, Superior Court of California, County of Monterey
- *Arteaga v. MODA Furniture, Inc.*, Docket No: L-000980-05, Superior Court of New Jersey, Morris County
- *In re Assicurazioni Generali S.p.A. Holocaust Insurance Litigation*, MDL 1374, United States District Court, Southern District of New York



- *In re Atlas Energy, Inc. Shareholders Litigation*, C.A. No. 5990-VCL, Court of Chancery, State of Delaware
- *Austrian Banks Holocaust Litigation*, Case Nos. 01-3017, 01-3019, 01-3024, 01-3025, United States District Court for the Southern District of New York
- *Balschmitter v. TD Auto Finance LLC*, 2:2013cv01186, United States District Court, Eastern District of Wisconsin
- *Baptista v. Mutual of Omaha Insurance Company*, CA 10-467 ML, United States District Court, District of Rhode Island
- *Bauman v. Superior Financial Corp.*, Civ. Action No. 4-01-CV-00756 GH, United States District Court, Eastern District of Arkansas, Western Division
- *In re Bear Stearns Companies, Inc. ERISA Litigation*, Case No. 08-MDL-1963, United States District Court, Southern District of New York
- *In re Beazer Homes USA, Inc. ERISA Litigation*, Civil Action No. 1:07-CV-00952 (RWS), United States District Court for the Northern District of Georgia, Atlanta Division
- *In re Beckman Coulter, Inc. Securities Litigation*, Case No.: 8:10-cv-1327-JST (RNBx), United States District Court, Central District of California
- *Benzion v. Vivint, Inc.*, Case No. 12-CV-61826-WJZ, United States District Court, Southern District of Florida, Fort Lauderdale Division
- *In re BigBand Networks, Inc. Securities Litigation*, Master File No. 07-CV-5101 SBA, United States District Court, Northern District of California, Oakland Division
- *In re BISYS Securities Litigation*, Civil Action No. 04-CV-3840 (JSR), United States District Court, Southern District of New York
- *Black v. Metso Paper USA, Inc.*, Civil Action No. 3:05-CV-1951, United States District Court for the Middle District of Pennsylvania
- *Blanco v. KeyBank USA, N.A.*, Case No.: 1-03-CV-524, In the United States District Court, Northern District of Ohio, Eastern Division
- *Board of Commissioners of the Port of New Orleans v. Virginia Harbor Services Inc.*, No. SACV11-00437-GW (FFMx)

- *Bosland v. Warnock Dodge, Inc.*, Docket No.: MRS-L-844-06, Superior Court of New Jersey, Morris County
- *In re BP Prudhoe Bay Royalty Trust Securities Litigation*, Case No. C06-1505 MJP, United States District Court, Western District of Washington at Seattle
- *Bragg v. Bill Heard Chevrolet, Inc.-Plant City*, Case No. 8:02-CV-609-T-30EAJ, In the United States District Court, Middle District of Florida, Tampa Division
- *Brattain v. Richmond State Hospital*, Cause No. 49D11-0108-CP-1309, Cause No. 49D110108-CP-1309, Marion Superior Court, County of Marion, State of Indiana
- *Brey Corp. v. Life Time Improvements, Inc.*, Civil Action No. 349410-V, In the Circuit Court for Montgomery County, Maryland
- *Brieger v. Tellabs, Inc.*, Case No. 1:06-cv-1882, United States District Court, Northern District of Illinois, Eastern Division
- *Broad St. Partners Fund v. Dods*, Case No. 2011 CH 001505, State of Illinois, County of Du Page, Circuit Court of the Eighteenth Judicial Circuit
- *Brown v. Hayt, Hayt & Landau, LLC*, Docket No.: L-7042-07, Superior Court of New Jersey, Essex County
- *Brumfield v. Countrywide Home Loans, Inc.*, 1:08-CV-93-HSO-JMR, Mississippi Southern District Court
- *Burns v. First American Bank*, Case No. 04 C 7682, United States District Court for the Northern District of Illinois, Eastern Division
- *In re Calpine Corporation ERISA Litigation*, Master File No. C 03-CV-1685 (SBA), United States District Court, Northern District of California, Oakland Division
- *Canning v. Concord EFS, Inc.*, Docket No. L-6609-02, Superior Court of New Jersey, Law Division: Camden County
- *Capovilla v. Lone Star Technologies, Inc.*, Cause No. 07-02979, In the District Court of Dallas County, Texas, 14th Judicial District
- *In re Cardinal Health, Inc. ERISA Litigation*, No. C2-04-643 (ALM), United States District Court, Southern District of Ohio, Eastern Division

- *Carlson v. C.H. Robinson Worldwide, Inc.*, Civil Action No. CV 02-3780, United States District Court for the District of Minnesota
- *Carlson v. State of Alaska, Commercial Fisheries Entry Commission*, Case No. 3AN-845790 CI, Superior Court for the State of Alaska, Third Judicial District at Anchorage
- *In re Cbeyond, Inc. Securities Litigation*, Civil Action No. 1:08-cv-1666 (CC), United States District Court, Northern District of Georgia
- *Cement Masons & Plasterers Joint Pension Trust v. TNS, Inc.*, Case No. 1:06 CV 363 CMH/BRP, United States District Court, Eastern District of Virginia
- *Cerda v. Associates First Capital Corporation*, Civil Action No. M-03-146, United States District Court, Southern District of Texas, McAllen Division
- *Chao v. Slutsky*, Civil Action File No. 01-CIV-7593, United States District Court, Eastern District of New York
- *Clayton v. Velociti, Inc.*, Case No. 08-CV-2298-CM/GLZ, In the United States District Court for the District of Kansas at Kansas City
- *Clearview Imaging, L.L.C. v. Dairyland Insurance Company*, Case No.: 04-11399, Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *Clearview Imaging, L.L.C. v. Mercury Insurance Company of Florida*, Case No. 03-5170, Circuit Court of the Thirteenth Judicial Circuit of the State of Florida, in and for Hillsborough County, Florida, Civil Division
- *Clearview Imaging, L.L.C. v. Nationwide Mutual Insurance Company*, Case No. 04-10396 Division H (consolidated), Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *Clearview Imaging, L.L.C. v. Progressive Consumers Insurance Company*, Case No. 034174 Division C, Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *Clemons v. Thompson*, Docket No.: MON-L-001980-07, United States District Court, Eastern District of New York
- *In re CNX Gas Corporation Shareholders Litigation*, C.A. No. 5377-VCL, In the Court of Chancery of the State of Delaware

- *Cohen v. JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A.*, Case No. 04 CV 4098, United States District Court, Eastern District of New York
- *Coleman v. Lincoln Wood Products, Inc.*, 99-CVS-1362, Superior Court of New Jersey, Middlesex County: Law Division
- *Collins v. American Consumer Shows, Inc.*, Civil Action No. 1:10-CV-11912-RGS, United States District Court, District of Massachusetts
- *Commonwealth of Massachusetts v. H&R Block, Inc.*, Civil Action No. 08-2474-BLS1, Suffolk Superior Court
- *In re Connetics Securities Litigation*, Case No. C 07-02940 SI, United States District Court for the Northern District of California
- *In re: The Consumers Trust*, Case No. 05 – 60155 (REG), United States Bankruptcy Court, Southern District of New York
- *Coppess v. Healthways, Inc.*, Case No. 3:10-cv-00109, United States District Court, Middle District of Tennessee, Nashville Division
- *Corsello v. Verizon New York, Inc.*, Case No. 39610/07, Supreme Court of the State of New York
- *Cotton v. Ferman Management Services Corporation*, Case No.: 02-08115, Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *Cottrell v. Gardner*, Civ. Action No. CV-2002-121(I), Superior Financial Corp. Derivative Action, State of Arkansas, Sebastian County, Arkansas
- *In re CP Ships Ltd. Securities Litigation*, Case No. 8:05-MD-1656-T-27TBM, United States District Court for the Middle District of Florida
- *Croxall v. Tampa Hund L.P.*, Case No. 03-6201, The Circuit Court for the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *Cruz v. Condor Capital Corporation*, Docket No. MID-L-2108-06, Superior Court of New Jersey, Middlesex County: Law Division
- *Curtis v. Northern Life Insurance Company*, No. 01-2-18578-1 SEA, Superior Court of Washington for King County

- *Dandong, et al. v. Pinnacle Performance Limited, et al.*, No. 10-cv-8086 (JMF), United States District Court, Southern District of New York
- *In re: DDAVP Indirect Purchaser Antitrust Litigation*, Civil Action No. 05-cv-2237 (CS), United States District Court, Southern District of New York
- *DeCario v. Lerner New York, Inc.*, Case No. BC 317954, Superior Court of the State of California, Los Angeles County
- *In re Del Monte Foods Company Shareholder Litigation*, Consolidated C.A. No. 6027-VCL, Court of Chancery, State of Delaware
- *In re Delphi Financial Group Shareholders Litigation*, Consolidated C.A. No. 7144-VCG, In the Court of Chancery of the State of Delaware
- *Desai v. ADT Security Services, Inc.*, Case No. 1:11-CV-1925, United States District Court, Northern District of Illinois
- *Di Popolo v. Ramsey Nissan, Inc.*, Docket No. BER-L-10319-09, Superior Court of New Jersey, Bergen County
- *In re Diebold ERISA Litigation*, No. 5:06 CV 0170, United States District Court for the Northern District of Ohio Eastern Division
- *Dishkin v. Tire Kingdom, Inc.*, Case No. 3D08-2088, Circuit Court for Miami-Dade County, Florida
- *Drury v. Countrywide Home Loans, Inc.*, Case No. 6:08-cv-152-ORL-28 DAB, United States District Court, Middle District of Florida, Orlando Division
- *In re Dura Pharmaceuticals, Inc. Securities Litigation*, Master File No. 99-CV-0151-JLS (WMC), United States District Court, Southern District of California
- *Eisenberger v. Boston Service Company, Inc.*, Docket No.: MID-L-10366-09, Superior Court of New Jersey, Middlesex
- *In re Electronic Data Systems Corp. ERISA Litigation*, 6:03-MD-1512 and Lead Case: 6:03CV-126 (ERISA), United States District Court, Eastern District of Texas, Tyler Division
- *In re Emergent Group, Inc. Shareholder Litigation*, Lead Case No. BC455715, Superior Court of the State of California, County of Los Angeles

- *In re: Enterprise Rent-A-Car Wage & Hour Employment Practices Litigation*, MDL No. 2056, United States District Court for the Western District of Pennsylvania
- *Epstein v. Sears, Roebuck and Co.*, Docket No.: UNN-L-1732-09, Superior Court of New Jersey, Union County: Law Division
- *Estate of Gary Robertson v. ADS Alliance Data Sys., Inc.*, Case No. 8:11-cv-1652-T-33TBM, United States District Court, Middle District of Florida, Tampa Division
- *Estates of Hampton v. Beverly Enterprises-Arkansas, Inc.*, No. CV 2004-95-3, Circuit Court of Bradley County, Arkansas
- *Estep v. Smythe Volvo, Inc.*, Case No. UNN-L-004184-03, Superior Court of New Jersey, Union County: Law Division
- *Evans v. Stewart Title Guaranty Company*, Case No. 04-06630-05, Circuit Court of the 17th Circuit, Broward County, Florida
- *Family Open MRI, Incorporated v. Direct General Insurance Company*, Case No. 03-4175, Circuit Court for the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *In re Fannie Mae ERISA Litigation*, Consolidated Civil Action No.: 1:04-cv-01784 (RJL), United States District Court, District of Columbia (Washington, D.C.)
- *Fernando v. Neopost USA, Inc.*, Case No.: BC439856, Superior Court of the State of California, County of Los Angeles
- *Fernando v. Priority Mailing Systems*, Case No. BC439857, Superior Court of the State of California, County of Los Angeles
- *Ferro v. Florida Windstorm Underwriting Association*, Civil 00014808, 17th Judicial Circuit, Broward County, Florida
- *In re FLAG Telecom Holdings, Ltd. Securities Litigation*, Master File No. 02-CV-3400 (CM) (PED), United States District Court, Southern District of New York
- *Flood v. Dominguez*, Case No. 2:08-CV-153, United States District Court for the Northern District of Indiana
- *Kellman v. Forever 21 Retail, Inc.*, Case No. 12-32841 CA 05, Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida

- *Francis v. A&E Stores, Inc.*, Case No. 06 CV 1638(CS)(GAY), United States District Court, Southern District of New York
- *Franco v. Ace Parking Management Inc.*, Case No. BC 392809, Superior Court of the State of California, Los Angeles County
- *Fray-Witzer v. Metropolitan Antiques, LLC*, Civil Action No. 02-5827, Commonwealth of Massachusetts, Superior Court, Department of the Trial Court, Suffolk Division
- *Fray-Witzer v. Olde Stone Land Survey Company, Inc.*, C.A. No.: 2008-04175, Superior Court C.A. No. 2008-04175, Commonwealth of Massachusetts
- *In re Fremont General Corporation Litigation*, CV07-02693 JHN(FFMX), United States District Court for the Central District of California
- *Friedman v. Rayovac Corporation*, Case No. 02-C-0308-C, United States District Court for the Western District of Wisconsin
- *Froumy v. Stark & Stark*, Case No. 3:09-cv-04890, United States District Court, District of New Jersey
- *FW Transportation, Inc. v. Associates Commercial Corporation*, Case No. C200000084, District Court of Johnson County, Texas, 18th Judicial District
- *In re General Electric Company Securities Litigation*, Civ. No. 09-CIV-1951 (DLC), United States District Court, Southern District of New York
- German Forced Labor Compensation Program (GFLCP)
- *In re Gilead Sciences Securities Litigation*, Master File No. C-03-4999-SI, United States District Court, Northern District of California
- *Gilley v. Ernie Haire Ford, Inc.*, Case No.: 02-8101, Circuit Court for the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Civil Division
- *In re Goodrich Shareholders Litigation*, Index No. 13699/2011 (Consolidated), Supreme Court of the State of New York, County of Nassau: Commercial Division
- *Graham v. Town & Country Disposal of Western Missouri, Inc.*, Case No.: 4:10-CV-00551NKL, In the United States District Court for the Western District of Missouri, Western Division



- *Greenstein v. Nations Title Agency of Florida, Inc.*, Case No.502007CA014085XXXMBAA, In the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida
- *Griffin v. Flagstar Bancorp., Inc.*, Case No. 2:10-cv-10610, United States District Court, Eastern District of Michigan, Southern Division
- *Groen v. PolyMedica Corporation*, Civil Action No. 07-3352, Commonwealth of Massachusetts, Superior Court Department, Middlesex County
- *Gulf Coast Injury Center, LLC v. Nationwide Mutual Fire Insurance Company*, Case No.: 08-CA-012621, In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida
- *Hall v. The Children's Place Retail Stores, Inc.*, Civil Action No. 1:07-cv-08252-SAS (Consolidated), United States District Court, Southern District of New York
- *Hamilton v. ATX Services Inc.*, Case No. 08-0030-CV-W-SOW, United States District Court for the Western District of Missouri, Western Division
- *Hargrave v. TXU Corp.*, Case No. 3:02-CV-2573-K, United States District Court, Northern District of Texas, Dallas Division
- *Harris v. First Regional Bancorp.*, Case No.: CV10-7164 CJC (MLGx), United States District Court Central District of California
- *Harris v. Koenig*, Case No. 1:02-CV00618 (GK), In the United States District Court for the District of Columbia
- *In re Hartford Financial Services Group Inc. ERISA Litigation*, Master File: 3:08-CV-01708 (PCD), United States District Court, District of Connecticut
- *Haynes v. Baptist Health*, 240 S.W.3d 576 (2006), Supreme Court of Arkansas
- *In re: Hearst-Argyle Shareholder Litigation*, Index No. 09-Civ-600926, Supreme Court of the State of New York, County of New York
- *Hellmers v. Countrywide Home Loans, Inc.*, Civil Action No. 07-7703, United States District Court, Eastern District of Louisiana
- *Hess v. Oriole Homes Corp.*, Civil Action No. 07-7703, Circuit Court of the 15th Judicial Circuit, Palm Beach County, Florida



- *Hill v. American Medical Security Life Insurance Company*, C.A. No. W-06 CA 332, United States District Court, Western District of Texas, Waco Division
- *Hill v. Countrywide Home Loans, Inc.*, Case No. A-0178441, United States District Court, Eastern District of Texas
- *Holley v. Kitty Hawk, Inc.*, Case No. 3-00 CV 0828-P, United States District Court for the Northern District of Texas, Dallas Division
- *In re Holocaust Victim Assets Litigation (Swiss Banks) (HVAP)*, Master Docket No. CV-964849, United States District Court, Eastern District of New York
- *Horton v. Cavalry Portfolio Services, LLC*, Case No. 13 CV0307 JAH WVG, United States District Court, Southern District of California
- *Hudson United Bank v. Chase*, Docket No.: L-235-05, Superior Court of New Jersey, Hunterdon County
- *Hughley v. Maryland Casualty Company*, Case No.: 06-21428-CIV-ALTONAGA, United States District Court for the Southern District of Florida, Miami Division
- *Hunt v. PacifiCare Life and Health Insurance Company*, Case No. 37-2009-00088839-CUIC-CTL
- *Hutson v. Baptist Health*, Case No. CV 08-8221, Pulaski Circuit/County Court [Arkansas]
- *Hutt v. Martha Stewart Living Omnimedia, Inc.*, Index No. 651249/2012, Supreme Court of New York, County of New York
- *In re ICG Communications, Inc. Securities Litigation*, Civil Action No. 00-cv-1864-REBBNB (Consolidated), United States District Court for the District of Colorado
- *In re: InfoSonics Securities Litigation*, Civil Action No. 06-CV-1231-JLS (WMC), District Court for the Southern District of California
- *In re ING Groep, N.V. ERISA Litigation*, Master File No. 1:09-CV-00400-JEC, United States District Court, Northern District of Georgia, Atlanta Division
- *In re International Business Machines Corp. Securities Litigation*, Civil Action No. 1:05-cv6279 (AKH), United States District Court, Southern District of New York
- International Commission on Holocaust Era Insurance Claims (ICHEIC)

- *In re Iowa Ready-Mixed Concrete Antitrust Litigation*, Case No. 5:10-CV004038-MWB, In the United States District Court, Northern District of Iowa, Western Division
- *In re J. Crew Group, Inc. Shareholders Litigation*, Case No. 6043-CS, In the Court of Chancery of the State of Delaware
- *In re JDS Uniphase Corporation ERISA Litigation*, Master File No. C 03-04743 CW, United States District Court, Southern District of West Virginia at Beckley
- *Kalow & Springut, LLP v. Commence Corporation*, Case No. 07-3443 (FLW/JJH), In the United States District Court for the District of New Jersey
- *Kay v. Wells Fargo & Company*, Case No. 07-01351 WHA, United States District Court, Northern District of California
- *In re: King Pharmaceuticals, Inc. Securities Litigation*, No. 2:03-CV-77, United States District Court, Eastern District of Tennessee, Greeneville Division
- *Krakauer v. DISH Network, LLC*, Civil Action No. 1:14-cv-00333-CCE-JEP, United States District Court, Middle District of North Carolina
- *Kreher v. City of Atlanta*, Georgia, Case No. 1:04-cv-2651, United States District Court, Northern District of Georgia
- *Kubacki v. Peapod, LLC*, Case No. 13 C 729, United States District Court for the Northern District of Illinois, Eastern Division
- *Kubota v. Walker*, Cause Number 06-02446, District Court of Dallas County, Texas, 95<sup>th</sup> Judicial District
- *The Lafayette Life Insurance Company v. City of Menasha*, Cause No. 4:09-CV-64TLS-APR, United States District Court, Northern District of Indiana, Hammond Division (Lafayette)
- *In re LDK Solar Securities Litigation*, Master File No. C 07-05182 WHA, United States District Court, Northern District of California
- *In re Lear Corp. ERISA Litigation*, Master File: 2:06-CV-11735 (AJT-VMM), United States District Court, Eastern District of Michigan
- *Lehmann v. Ivivi Technologies, Inc.*, Docket No. C-343-09, Superior Court of New Jersey, Bergen County, Chancery Division

- *In re Lehman Brothers Equity/Debt Securities Litigation*, Case No. 09-MD-2017 (LAK), United States District Court, Southern District of New York
- *In re Lernout & Hauspie Securities Litigation* (Directors and FLV Settlements), Civil Action No. 00-CV-11589 (PBS), United States District Court for the District of Massachusetts
- *In re Lernout & Hauspie Securities Litigation* (KPMG Settlement), Case No. 04-CV-1738, United States District Court for the District of Massachusetts
- *Leslie Niederklein v. PCS Edventures!.com, Inc.*, Civil Action No. 1:10-cv-00479-CWD, United States District Court, District of Idaho
- *Lilly v. Oneida Ltd. Employee Benefits Admin. Comm.*, Case No. 6:07-cv-00340 (NPM/ATB), United States District Court, Northern District of New York
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- *Lofton v. Verizon Wireless (VAW) LLC*; Case No. C 13-05665 YGR, United States District Court for the Northern District of California, Oakland Division
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- *The Louisiana Municipal Police Employees Retirement System v. Deloitte & Touche LLP*, Civil Action No. 04-621 (LDW), United States District Court, Eastern District of New York
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- *Mantzouris v. Scarritt Motor Group, Inc.*, Case No. 8:03CV0015-T-30-MSS, United States District Court, Middle District of Florida, Tampa Division

- *In re Marine Hose Antitrust Litigation* (Bridgestone, Dunlop, Parker, Trelleborg, and Yokohama Settlements), Master Docket No. 08-MDL-1888-Graham/Turnoff, United States District Court, Southern District of Florida, Miami Division
- *In re Marsh ERISA Litigation*, Master File No.: 04 cv 8157 (CM), United States District Court, Southern District of New York
- *In re Martek Biosciences Corp. Securities Litigation*, Civil Action No. MJG 05-1224, United States District Court, District of Maryland, Northern Division
- *Martin v. aaiPharma, Inc.*, Master File No: 7:04-CV-27-D, United States District Court, Eastern District of North Carolina
- *Martin v. Dun & Bradstreet, Inc.*, Case No. 1:12-cv-00215, United States District Court for the Northern District of Illinois
- *Martin v. Foster Wheeler Energy Corporation*, Case No. 3:06-CV-00878, United States District Court, Central District of California
- *In re Massey Energy Co. Securities Litigation*, Civil Action No. 5:10-cv-00689-ICB, United States District Court for the Northern District of California
- *Mayer v. Administrative Committee of the Smurfit-Stone Container Corporation Retirement Plans*, Case No. 1:09-cv-02984, United States District Court, Northern District of Illinois
- *Mayer v. The Geo Group, Inc.*, Case No. 5:08-cv-248/RS/EMT, United States District Court, Northern District of Florida, Panama City Division
- *Mayotte v. Associated Bank, N.A.*, Case No. 2:07-CV-00033, United States District Court, Northern District of Florida, Panama City Division
- *In re MBNA Corp. Securities Litigation*, Case No. 1:05-CV-00272-GMS CONSOLIDATED, United States District Court, District of Delaware
- *Meadows v. Clearwater Bay Marketing, LLC*, Cause No. 49C01-0812-PL-054708, Marion Circuit Court, Civil Division, Marion County, Indiana
- *Means v. River Valley Financial Bank*, Cause No. 49D12-0704-PL016504, In the Marion Superior Court, County of Marion, State of Indiana
- *In re Merck & Co. Inc. Vytarin ERISA Litigation*, Civil Action No. 08-CV-1974 (DMC), United States District Court, District of New Jersey

- *Merrimon v. UNUM Life Insurance Company of America*, CIV. NO. 2:10-cv-00447-NT, United States District Court, District of Maine
- *In re Metavante Technologies, Inc. Shareholder Litigation*, Consolidated Case No. 09-CV5325 State of Wisconsin, Milwaukee County Circuit Court
- *Mey v. Herbalife International, Inc.*, Civil Action No. 01-C-263, In the Circuit Court of Ohio County, West Virginia
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- *In re Micromuse, Inc. Securities Litigation*, Case No. C-04-0136 BZ, United States District Court, Northern District of California
- *Milford & Ford Associates, Inc. v. Cell-Tek, LLC*, C.A. NO. 1:09-CV-11261-DPW, United States District Court, District of Massachusetts
- *Miller v. Weltman, Weinberg & Reis Co., L.P.A.*, Docket No. MID-L-006248-07, Superior Court of New Jersey, Law Division: Middlesex County
- *In re: MK Resources Company Shareholders Litigation*, C.A. Nos. 1692-VCS and 1598VCS, Court of Chancery, New Castle County, State of Delaware
- *Montalvo v. Tripos, Inc.*, Case No. 4:03CV995SNL, United States District Court, Eastern District of Missouri
- *Moore v. The Hertz Corporation*, 03-11772 Div. K, In the Circuit Court of the Thirteenth Judicial Circuit of State of Florida in and for Hillsborough, County Civil Division
- *In re Morgan Asset Management, Inc.* (Kelsoe and Weller Settlements), Administrative Proceeding File No. 3-13847, United States of America Before the Securities and Exchange Commission
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- *Mozenter v. Nalco Holding Company*, Case No. 2011-MR-001043 (Consolidated), United States of America, State of Illinois, County of Dupage, In the Circuit Court of the Eighteenth Judicial Circuit
- *Mulhern v. MacLeod d/b/a ABC Mortgage Company*, Civil Action No. 2005-01619, Commonwealth of Massachusetts
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- *In re Novamed, Inc. Shareholders Litigation*, Consolidated C.A. No. 6151-VCP, Court of Chancery in the State of Delaware
- *NSL Capital Management v. Gorman*, Docket No. C-48-08, Superior Court of New Jersey, Chancery Division, Monmouth County
- *Nthenge v. Pressler and Pressler, LLP*, Master File No. C-00-1211-PH United States District Court for the Northern District of California
- *In re: NX Networks Securities Litigation*, Civil Action Nos. 00-CV-11850-JLT and 01-CV10377-JLT, United States District Court, District of Massachusetts
- *Obermeyer v. MarineMax East, Inc.*, Case No. 08-54007-CA-24, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida
- *Olivo v. Homecomings Financial LLC*, Index No. 4625/06, Supreme Court of the State of New York, Nassau County
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- *Ori v. Fifth Third Bank and Fiserv, Inc.*, Case No. 08-CV-00432-LA, United States District Court, Eastern District of Wisconsin
- *In re: Ortiz v. Aurora Health Care, Inc.*, Case No. 2:12-cv-00295-LA, United States District Court for the Eastern District of Wisconsin

- *Osborn v. EMC Corporation*, Case No. C 04-00336 JSW, Northern District of California, San Francisco Division
- *In re OSI Pharmaceuticals, Inc. Securities Litigation*, Master File No. 2:04-CV-05505-JSWDW, United States District Court, Eastern District of New York
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- *In re Par Pharmaceutical Companies, Inc. Shareholders Litigation*, C.A. No. 7715-VCP, In the Court of Chancery of the State of Delaware
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- *Payson v. Capital One Home Loans, LLC* (FLSA and KWPA Settlements), Case No. 07-CV2282-JTM/DWB, United States District Court for the District of Kansas at Kansas City



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- *SEC v. WexTrust Capital, LLC*, Case No. 08-cv-7104 (DC), United States District Court, Southern District of New York
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- *Sivsubramanian v. DNC Health Corp.*, Case No. 2:10-cv-03522-VBF (FMOx), United States District Court, Central District of California at Los Angeles
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- *In re: Sterling Financial Corporation Securities Class Action*, Civil Action No. 07-2171, United States District Court, Eastern District of Pennsylvania
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- *In re Stone & Webster, Inc. Securities Litigation*, Civil Action No. 00-CV-10874-RWZ, United States District Court, District of Massachusetts
- *In re: Supervalu, Inc. Securities Litigation*, Civil Action No. 02-CV-1738 (JEL/JGL), United States District Court, District of Minnesota
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- *In re TD Banknorth Shareholders Litigation*, Consolidated C.A. No. 2557-VCL, In the Court of Chancery of the State of Delaware
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- *In re Vaso Active Pharmaceuticals Derivatives Litigation*, Master Docket No. 04-10792 (RCL) (Consolidated Derivative Action), United States District Court, District of Massachusetts

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- *Zilhaver v. UnitedHealth Group Incorporated*, No. 06-C-2237, United States District Court, District of Minnesota
- *In re Zomax, Inc. Securities Litigation*, Case No. 05-cv-01128, United States District Court, District of Minnesota



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*This Notice may affect your legal rights.*

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Important Legal Notice authorized by the United States District Court for the Northern District of West Virginia about a Class Action Lawsuit.

**Records obtained in this lawsuit show you received one or more autodialed telephone calls on your cellular telephone between June and September 2014 made by Venture Data, LLC, on behalf of Public Opinion Strategies, LLC. As a result, you may be a member of a pending class action lawsuit.**

DIANA MEY V. VENTURE DATA, LLC., et al.,  
CLASS ACTION ADMINISTRATOR  
PO Box 170500  
Milwaukee, WI 53217

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Mey v. Venture Data, LLC, et al., Case No. 14-cv-123, United States District Court, Northern District of West Virginia  
 THIS CARD ONLY PROVIDES LIMITED INFORMATION ABOUT THE LAWSUIT AND YOUR RIGHTS AS A CLASS MEMBER.  
 PLEASE VISIT [www.VENTUREDATACLASSACTION.com](http://www.VENTUREDATACLASSACTION.com), OR CALL (800) XXX-XXXX FOR MORE INFORMATION.

**Nature of the Lawsuit:** Diana Mey sued Venture Data, LLC, and Public Opinion Strategies, LLC, claiming that Venture Data called her and others on behalf of Public Opinion Strategies, to conduct telephonic surveys. You got this postcard because records indicate you may have received one of those calls. Ms. Mey claims that Venture Data and Public Opinion Strategies violated the Telephone Consumer Protection Act, which prohibits the use of an automatic telephone dialing system to place calls to cellular telephones without the call recipient's prior express written consent. The Telephone Consumer Protection Act entitles consumers who prove they received illegal calls to recover money damages and get a court order stopping the calls. Venture Data and Public Opinion Strategies deny that they did anything wrong.

**Am I A Class Member?:** The Court has ruled that Ms. Mey's suit can go forward as a class action. This means that she will act as the Class Representative, trying to get money damages and court-ordered changes to the Defendants' practices for everyone who is a Class Member. **You are a class member if:** Venture Data placed a call to your cellular telephone using its Pro-T-S or CFMC dialer, as part of a Public Opinion Strategies survey, on June 11, August 9, or September 9, 2014. The Court has appointed three firms as Class Counsel:- Bailey & Glasser LLP, Broderick Law, P.C., and The Law Office of Matthew McCue. The Court has not yet decided whether Dr. Krakauer or DISH is right.

**Your Options:** If you want to remain a Class member you do not need to do anything now. You can choose to exclude yourself from the class action by -----, 2017. Information about the case is available at [www.VentureDataClassAction.com](http://www.VentureDataClassAction.com), including forms allowing you to exclude yourself from the Class, to update your contact and address information, and how to submit your telephone records should you wish to do so.

For more information visit [www.VentureDataClassAction.com](http://www.VentureDataClassAction.com), or call 800-xxx-xxxx.  
**Do not contact the Court, the Defendants, or the Defendants' lawyers with questions.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**DIANA MEY**, individually and on  
behalf of a class of persons and  
entities similarly situated,

Plaintiff,

v.

**Civil Action No: 5:14-cv-123**

**VENTURE DATA, LLC and  
PUBLIC OPINION STRATEGIES, LLC.**

Defendants.

**If you received a telephone call on June 11, August 19, or September 9, 2014,  
from “Call Research” or Venture Data, LLC, conducting a survey on behalf of Public Opinion  
Strategies, LLC, a class action lawsuit may affect your rights.**

***A Federal Court authorized this Notice. You are not being sued.  
This is not a solicitation from a lawyer.***

- A lawsuit has been filed against Venture Data, LLC, and Public Opinion Strategies, LLC, claiming they violated the Telephone Consumer Protection Act by using an automatic telephone dialing system to place calls to cellular telephones without the prior express written consent of the call recipients. Venture Data and Public Opinion Strategies deny any wrongdoing.
- The Court decided this lawsuit should be a class action on behalf of all persons to whom, on June 11, August 19, or September 9, 2014, Venture Data placed a call on his or her cellular telephone line, using the Pro-T-S or CFMC dialer, and as part of a Public Opinion Strategies survey.
- The Court has not yet decided whether Venture Data and Public Opinion Strategies did anything wrong. There is no money available now and no guarantee that there will be. Your legal rights are affected, however, and you have a choice to make now as described in the below table.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you automatically keep the possibility of getting money or benefits that may come from a trial or settlement. You will give up any rights to separately sue Venture Data or Public Opinion Strategies about the matters involved in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Receive no benefits from it. Keep rights to sue.</b></p> <p>If you ask to be excluded and money benefits are later awarded, you won't share in those. You will keep any rights to separately sue Venture Data and Public Opinion Strategies about the same matters in this lawsuit.</p>

- Your options are explained in this Notice. To ask to be excluded, you must act before [DATE]. To remain a part of the lawsuit and potentially become a Class Member, you do not need to do anything.
- If this case is not dismissed, resolved by motions, or settled before trial, Plaintiff's lawyers must prove the claims against Venture Data and Public Opinion Strategies. If money or benefits are obtained from Venture Data and Public Opinion Strategies, you will be notified about how to potentially receive a share.

## BASIC INFORMATION

### 1. Why was this Notice issued?

The Court authorized this Notice to let you know that the Court has certified (or, allowed to proceed) a class action lawsuit that may affect you. You have legal rights and options that you may exercise, as described herein. Judge John Preston Bailey of the United States District Court for the Northern District of West Virginia is overseeing this class action. The lawsuit is known as *Mey v. Venture Data, LLC, et al.*, Civil Action No. 14-cv-123.

### 2. What is this lawsuit about?

This lawsuit claims that Venture Data placed autodialed calls to Ms. Mey's and class members' cellular telephones without their consent, to conduct surveys on behalf of Public Opinion Strategies.

The lawsuit claims that, because of these calls, SSN violated the Federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (TCPA), because it prohibits the use of an automatic telephone dialing system to call a cellular telephone line without the call recipient's prior express written consent.

### **3. What is a class action and who is involved?**

In a class action, a person called the “Class Representative” (in this case, Diana Mey) sues on behalf of a group (or groups) of people who have similar claims. The people together are a “Class” or “Class Members.” The individual who sues—and all the Class Members like him—are called the Plaintiffs. The entities they sue (in this case, Venture Data and Public Opinion Strategies) are called the Defendants. In a class action, the Court resolves the issues for all Class Members, except for those who exclude themselves from the Class(es).

### **4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. In a class action one or more people called “Class Representative” (in this case Ms. Mey) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” One court resolves the issues for everyone in the Class. Judge Bailey is in charge of this class action.

The Court certified the class described in the answer to Question 10.

Additional information about the Court’s reasons for allowing the lawsuit to be a class action is available in the Court’s Memorandum Opinion and Order, dated June 6, 2017, which is available at [www.VentureDataClassAction.com](http://www.VentureDataClassAction.com) in the Court Documents section.

## **THE CLAIMS IN THE LAWSUIT**

### **5. What are the Plaintiff’s claims made in the lawsuit?**

The claims that are made by Plaintiff in this lawsuit are described above in the answer to Question 2. For additional information, you can read a copy of the Plaintiff’s Complaint, which is available in the Court Documents section of [www.VentureDataClassAction.com](http://www.VentureDataClassAction.com).

### **6. What do the Defendants say about Plaintiff’s claims?**

The Defendants deny that they did anything wrong or violated any law. In addition, because Venture Data made all of the calls, Public Opinion Strategies denies that it can be held liable for the calls. You can read a copy of the Defendants’ Answers to Plaintiff’s Complaint, which is also available in the Court Documents section of the website.

### **7. Did the Court decide who is right?**

The Court has not decided whether Plaintiff or the Defendants are correct. By certifying the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose this case. Unless the case settles, Plaintiff must prove his claims at a trial or through legal motions to recover money.

### **8. What is the Plaintiff asking for?**

Plaintiff is asking the Court to award each Class Member monetary damages of \$500 per call. If Plaintiff is able to show that the Defendants “willfully” or “knowingly” violated the TCPA, she will ask for up to \$1,500 per Class Member, per violation. Plaintiff is also asking the Court to enter an order prohibiting the Defendants from violating the TCPA in the future.

**9. Is there money available at this time?**

No money or benefits are available now because the Court has not decided whether the Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to share in them.

**WHO IS IN THE CLASS**

**10. Am I part of one of the Classes?**

The Classes certified by the Court consist of the following individuals: “All persons in the United States to whom, on June 11, August 19, or September 9, 2014, Venture Data placed a call on his or her cellular telephone line, using the Pro-T-S or CFMC dialer, and as part of a Public Opinion Strategies survey.”

If you received a postcard, you were identified because your number appeared in the Defendants’ records as an individual to whom Venture Data placed one or more of the calls described above. If you did not receive a postcard in the mail, you may still be part of the Class if your number appears in the Defendants’ records. You may be able to obtain your telephone bill and/or records from your telephone carrier, but you do not need to submit that information at this time.

If you have any questions about how to obtain this information, please call the lawyers in this case at the telephone number listed in the answer to Question 20.

If you are still not sure if you are included in one of the Classes, you can email the Class Action Administrator at [info@VentureDataClassAction.com](mailto:info@VentureDataClassAction.com). You can also receive free help by calling the lawyers in this case at the telephone number listed in the answer to Question 20.

**YOUR RIGHTS AND OPTIONS**

You have a choice to make now about whether to stay in the Class or ask to be excluded before the trial.

**11. What happens if I do nothing?**

If you are a Class member, by doing nothing you will stay in the Class. If you stay in the Class and the Plaintiff obtains money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you are a member of the Class and you do nothing now, regardless of whether the Plaintiff wins or loses the legal motions or trial, you will not be able to separately sue, or continue to separately sue the Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may not be able to sue Venture Data or Public Opinion Strategies for TCPA violations occurring on June 11, August 19, or September 9, 2014. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

**12. Why would I ask to be excluded?**

If you already have your own lawsuit against the Defendants for the same types of calls made during the same time period, and want to continue with it, you need to ask to be excluded from the Classes. If you exclude yourself from the Class—sometimes called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial, legal motions, or from any settlement (that may or may not be reached) between the Defendants and the Plaintiff. However,

you will be able to separately start your own lawsuit against, or continue to separately sue, the Defendants for the calls at issue in this case. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against the Defendants after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims.

### **13. How do I ask to be excluded from the Class?**

To exclude yourself from the Class, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from *Mey v. Venture Dara, L.L.C.*, Case No. 14-cv-123. Your request for exclusion must include your name and address, the phone number that received the calls at issue, and your signature. You must mail your exclusion request to: ----- by mail, postmarked no later **[DATE]**.

## **THE LAWYERS REPRESENTING YOU**

### **14. Do I have a lawyer in the case?**

The Court has appointed a team of lawyers from the firms Bailey & Glasser, LLP; Broderick Law, PC; and Law Office of Matthew McCue to represent the Classes. They are called "Class Counsel." They are experienced in handling similar class action cases.

### **15. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. You may seek the advice and guidance of your own lawyer, if you wish, at your own expense.

### **16. How will Class Counsel be paid?**

If Class Counsel obtains money or benefits for the Class, they may ask the Court for attorneys' fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees and expenses would generally be deducted from any money obtained for the Classes or paid separately by the Defendants.

## THE TRIAL

### **17. How/when will the Court decide who is right?**

If the case is not decided through legal motions or settled, Class Counsel will have to prove the Plaintiff's claims at a trial. The trial will be heard at United States District Court in Wheeling, WV. A trial date is not yet scheduled. During the trial, a Jury will hear all of the evidence to help them reach a decision about whether the Plaintiff or the Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or that they will get any money for the Class.

### **18. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and the Defendants will present their defenses. You are welcome to attend at your own expense.

### **19. Will I get money after the trial?**

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how the money or benefits will be distributed to class members, and provided with information on your options at that time. Currently, we do not know if any benefits will be available or how long this process will take.

## GETTING MORE INFORMATION

### **20. Where can I get more information?**

The website [www.VentureDataClassAction.com](http://www.VentureDataClassAction.com) contains several court documents that provide additional information about the case. This website will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to ---- or to [info@VentureDataClassAction.com](mailto:info@VentureDataClassAction.com). You may call Class Counsel at 800-xxx-xxxx, if you have any questions. Before doing so, however, please read this full Notice carefully.